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PATENT

Express Mail No. E1998659268US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of Michael S. South et al.

Art Unit 1624

Serial No. 10/009,447

Filed April 3, 2002

Confirmation No. 1709

For SUBSTITUTED POLYCYCLIC ARYL AND HETEROARYL PYRIMIDINONES
USEFUL AS ANTICOAGULANTS

Examiner V. Balasubramanian

June 3, 2004

LETTER TO THE PATENT AND TRADEMARK OFFICE

TO THE COMMISSIONER FOR PATENTS,

SIR:

This letter is in response to the Final Office action mailed April 7, 2004.

The Office has provisionally rejected claims 12-16, 20-24, and 28-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application number 10/275,856. This is the sole remaining grounds for rejection of the pending claims. According to MPEP §804(I)(B), however, this rejection is improper. Specifically, MPEP §804(I)(B) states that

[a] "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should withdraw the rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Accordingly, applicants respectfully request that the provisional double patenting rejection in the present case be removed and the application allowed to issue. In response, if appropriate, a double patenting rejection may be raised against pending

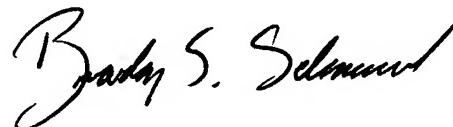
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application number 10/275,856. Applicants will then determine the propriety of filing a terminal disclaimer in that case.

In light of the foregoing, applicants submit that the present application is in condition for allowance and requests allowance of the pending claims.

The Commissioner is requested to charge any fee deficiency or overpayment in connection with this Request for Reconsideration to Deposit Account 19-1345.

Respectfully submitted,



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BSS/